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EXAMINER

CHAMPAGNE, LUNA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/647,311	Applicant(s) FURUKAWA, MICHIHISA	
	Examiner LUNA CHAMPAGNE	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendments received on 11/23/07 are acknowledged. Claims 1-34 are presented for examination. Claims 35-47 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sokei et al. (US 2003/0115097 A1), and further in view of Schwab et al. (US 2002/0019777 A1), and in further view of Roman et al. (2002/0010634 A1).

Re claims 1 and 18, Sokei et al. teach a method/system of buying back goods, comprising steps of designating a buy-back center to a user that has purchased goods that are a targeted item; at said buy-back center, directing said user to enter as input the order number of the goods that were purchased through said sales center at a Website on a network and accepting an application for buy-back of a used item; and at said buy-back center, having confirmed that said user has purchased goods from said sales center based on said order number, giving said user a prescribed benefit (*see e.g. paragraph 0033 – the book recycling promotion system*).

Sokei et al. do not explicitly teach a method/system for buying back goods, comprising a sales center for marketing target goods;

However, Schwab et al. teach a method/system for buying back goods, comprising a sales center for marketing target goods; (*see e.g. paragraph 0050 – the consumer places an order to the merchant via the Internet*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al. by including a sales center for marketing target goods, as taught by Schwab et al., in order to centralize the system.

Sokei et al. do not explicitly teach a method/system for buying back goods wherein said sales center, said buy-back center and said user are interconnected by said network.

However, Roman et al. teach a method/system wherein said sales center, said buy-back center and said user are interconnected by said network (*see e.g. paragraph 0025 - "Return process is initiated from e-Returner to e-Tailer"; "Notification of return from e-Tailer to ClickReturns.com"; Notification of physical receipt of product and condition from clickReturns.com to e-Tailer"; It is understood that the three parties: sales center (e-Tailer), buy-back center (ClickReturns.com), and user (buyer) are interconnected by a network*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al., in view of Schwab et al., to include the limitation wherein said sales center, said buy-back center and said user are interconnected by said network, as taught by Roman et al., in order to facilitate communication among all parties involved in the process.

Re claims 16 and 33, Sokei et al. teach a method of buying back goods, further comprising a step wherein: said buy-back center simultaneously carries out a process of paying the buy-back price of a used item to said user and a process of giving a benefit to said user (*see e.g. paragraph 0090 – The recovery company pays the customer the amount corresponding to the buying price; paragraph 0038 – points*).

Re claim 17, Sokei et al. teach a method of buying back goods, further comprising a step wherein: said buy-back center, after completing the process of paying the buy-back price of a used item to said user, transmits to said sales center by way of said network buy-back results that include information relating to the used item that has been bought back from said user (*see e.g. paragraph 0090 – Afterward, the recovery company appends information indicating that the payment has been made to the record of purchase ID and send the record to the book recycling promotion device 10*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al. by transmitting to said sales center by way of said network buy-back results that include information relating to the used item that has been bought back from said user, as taught by Schwab et al., in order to keep data between the sales center and the buy-back center in synch.

Re claim 34, Sokei et al. do not explicitly teach a system for buying back goods, wherein: said buy-back server includes means for transmitting, to said sales server by way of said network, results of buy-back that include information relating to the used items that have been bought back from said users after completing the process of paying the buy-back prices of the used items to said users.

However, Schwab et al. teach a system for buying back goods, wherein: said buy-back server includes means for transmitting, to said sales server by way of said network, results of buy-back that include information relating to the used items that have been bought back from said users after completing the process of paying the buy-back prices of the used items to said users (*see e.g. paragraph 0051 – the merchant then provides acknowledgment back to the consumer*)

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al. by including means for transmitting, to said sales server by way of said network, results of buy-back that include information relating to the used items that have been bought back from said users after completing the process of paying the buy-back prices of the used items to said users, as taught by Schwab et al., in order to in order to keep the user informed and therefore increase user satisfaction.

Re claim 2, Sokei et al. teach a method of buying back goods further comprising steps of: at said Website of said sales center on a network, accepting an application for purchase of goods by directing said user to enter as input personal data of said user;

registering said personal data of said user that said sales center has directed said user to enter as input when applying for purchase and information relating to goods that said user purchased in correspondence with said order number in a user information database in said sales center; registering in advance information on the particulars of a benefit that is to be given to said user by said sales center in an item information database in said sales center; and obtaining, by said buy-back center, information relating to said user from said user information database and/or said item information database in said sales center based on said order number that said user is directed to enter as input when applying for buy-back (*see e.g. paragraphs: 0015 - register a book purchased information; 0037- register customer name and information and fig. 6*).

Re claim 3, Sokei et al. do not explicitly teach a method of buying back goods further comprising steps of: accepting an application for buy-back at a Website of said buy-back center by directing said user to enter as input both said order number and said personal data of said user; transmitting by way of said network from said buy-back center to said sales center said order number and said personal data of said user that said user was directed to enter as input at the time of application for buy-back; checking at said sales center for matching of said personal data that is registered in said user information database in correspondence with said order number that was transmitted in from said buy-back center with said personal data that was transmitted in from said buy-back center; and having confirmed that said personal data matches, obtaining at said sales center information relating to said user from said user information database and/or

said item information database in said sales center and transmitting said obtained information to said buy-back center by way of said network ,

However Schwab et al. teach a method of transmitting by way of said network from said buy-back center to said sales center said order number and said personal data of said user that said user was directed to enter as input at the time of application for buy-back; checking at said sales center for matching of said personal data that is registered in said user information database in correspondence with said order number that was transmitted in from said buy-back center with said personal data that was transmitted in from said buy-back center; and having confirmed that said personal data matches, obtaining at said sales center information relating to said user from said user information database and/or said item information database in said sales center and transmitting said obtained information to said buy-back center by way of said network (*see e.g. paragraph 0052*)

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Sokei et al. by including the steps cited above, as taught by Schwab et al., in order to authenticate ownership of goods being sold and prevent fraud.

Sokei et al., in view of Schwab et al., do not explicitly teach a method of buying back goods further comprising steps of: accepting an application for buy-back at a Website of said buy-back center by directing said user to enter as input both said order number and said personal data of said user.

However Roman et al. teach a method of buying back goods further comprising steps of: accepting an application for buy-back at a Website of said buy-back center by

directing said user to enter as input both said order number and said personal data of said user (*see e.g. paragraphs: 0015–0016*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Sokei et al., in view of Schwab et al, by accepting an application for buy-back at a Website of said buy-back center by directing said user to enter as input both said order number and said personal data of said user, as taught by Roman et al., in order to facilitate access to the system and therefore encourage users to sell back goods in demand.

Re claims 4, 8, 21, 25 Sokei et al. teach a method of buying back goods, wherein: said information relating to said user is information relating to goods that said user has purchased that is registered in correspondence with said order number in said user information database in said sales center (*customer purchase master 22*), and/or information on the particulars of a benefit that is to be given to said user that is registered in said item information database in said sales center (*see e.g. paragraph 0039*).

Re claims 5, 9, 22, 26 and 31, Sokei et al. do not explicitly teach a method of buying back goods wherein: said buy-back center proceeds with a process of buying back a used item from said user only when said personal data of said user that said user was directed to enter as input when applying for buy-back matches said personal

data of said user that is registered in said user information database in said sales center.

However, Schwab et al. teach a method of buying back goods wherein: said buy-back center proceeds with a process of buying back a used item from said user only when said personal data of said user that said user was directed to enter as input when applying for buy-back matches said personal data of said user that is registered in said user information database in said sales center (*see e.g. paragraph 0050 – if the product matches the return criteria set up by the merchant....the service center credits the consumer's credit card*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Sokei et al., by buying back a used item from said user only when said personal data of said user matches said personal data of said user that is registered in said user information database in said sales center, as taught by Schwab et al., in order to prevent fraud.

Re claims 6, 12, 15, 23, 29, and 32, Sokei et al. teach a method of buying back goods wherein: said particulars of the benefit that is given to said user vary according to the maker or model of the goods that said user purchases from said sales center and/or the used item that said buy-back center buys back from said user (*see e.g. paragraph 0050*).

Re claims 7 and 30, Sokei et al. teach a method said buy-back center directly accesses said user information database in said sales center by way of said network and checks whether said personal data that is registered in said user information database in said sales center in correspondence with said order number that said user was directed to enter as input when applying for buy-back matches said personal data that said user was directed to enter as input when applying for buy-back; and said buy-back center, having confirmed that said personal data matches, directly accesses said user information database and/or said item information database in said sales center by way of said network and obtains information relating to said user(*see e.g. paragraph 0078*).

Sokei et al., in view of Schwab et al. do not explicitly teach a method of buying back goods comprising steps wherein: an application for buy-back is accepted by directing said user to enter as input personal data of said user together with said order number at the Website of said sales center.

However, Roman et al. teach a method of buying back goods comprising steps wherein: an application for buy-back is accepted by directing said user to enter as input personal data of said user together with said order number at the Website of said sales center (*see e.g. paragraph 0015*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Sokei et al., in view of Schwab et al., by including the step of accepting an application for buy-back by directing said user to enter as input personal data of said

user together with said order number at the Website of said sales center, as taught by Roman et al., in order to identify the goods being sold in the system.

Re claim 10, Sokei et al. do not explicitly teach a method of buying back goods further comprising steps wherein: said order number that said user was directed to enter as input when applying for buy-back is transmitted from said buy-back center to said sales center by way of said network; and said sales center, based on said order number that has been transmitted from said buy-back center, obtains information relating to said user from said user information database and/or said item information database in said sales center and transmits said obtained information relating to said user to said buy-back center by way of said network.

However, Schwab et al. teach a method of buying back goods further comprising steps wherein: said order number that said user was directed to enter as input when applying for buy-back is transmitted from said buy-back center to said sales center by way of said network; and said sales center, based on said order number that has been transmitted from said buy-back center, obtains information relating to said user from said user information database and/or said item information database in said sales center and transmits said obtained information relating to said user to said buy-back center by way of said network (*see e.g. paragraph 0052*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al., and include the steps cited above, as

taught by Schwab et al., in order to keep information between the sales center and the buy-back center in synch.

Re claims 11, 14, and 28, Sokei et al. teach a method of buying back goods, wherein: said information relating to said user is: said personal data of said user and information relating to goods that said user has purchased that are registered in correspondence with said order number in said user information database in said sales center; and/or information on the particulars of a benefit that is to be given to said user that is registered in said item information database in said sales center (*see e.g. paragraphs 0037-0039- The Member Registration Processing unit and the Purchase registration Processing Unit*).

Re claim 13, Sokei et al. teach a method of buying back goods, further comprising a step wherein: based on said order number that said user was directed to enter as input when applying for buy-back, said buy-back center directly accesses by way of said network said user information database and/or said item information database in said sales center to obtain information relating to said user (*see e.g. paragraph 0033*).

Re claim 19, Sokei et al. teach means for registering, in correspondence with said order number in a user information database in said sales center, said personal data of said users that said users are directed to enter as input when applying to

purchase goods and information relating to goods that said users have purchased; and further, for registering in advance in an item information database in said sales center, information on the particulars of benefits that are to be given to said users (see *e.g. paragraphs 0036 and 0062*); and said buy-back server obtains information relating to said users from said user information database and/or said item information database in said sales center based on said order numbers that said users are directed to enter as input when applying for buy-back (see *e.g. paragraph 0078*).

Sokei et al., in view of Schwab et al., do not explicitly teach a system for buying back goods, wherein: said sales center includes a sales server that is equipped with: means for operating a Website on said network for directing said users to enter as input personal data of said users and accepting applications to purchase goods.

However, Roman et al. teach a system for buying back goods, wherein: said sales center includes a sales server that is equipped with: means for operating a Website on said network for directing said users to enter as input personal data of said users and accepting applications to purchase goods (see *e.g. paragraphs 0015-0016*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al., in view of Schwab et al., and include a sales server that is equipped with: means for operating a Website on said network for directing said users to enter as input personal data of said users and accepting applications to purchase goods, as taught by Roman et al., in order to facilitate access to the system and therefore encourage users to sell back goods in demand.

Re claims 20, 24, 27, Sokei et al. do not explicitly teach the limitations of the claims.

However, Schwab et al. teach a system for buying back goods wherein communication means for transmitting, to said sales server by way of said network, said order numbers and said personal data of said users that said users are directed to enter as input when applying for buy-back (*see e.g. paragraph 0052*); and said sales server comprises: information management means for, after confirming that said personal data that is registered in said user information database in correspondence with said order numbers that have been transmitted in from said buy-back server matches personal data that has been transmitted in from said buy-back server, obtaining information relating to said users from said user information database and/or said item information database in said sales center (*see e.g. paragraph 0050*); and communication means for transmitting, to said buy-back server by way of said network, information relating to said users that has been obtained by said information management means from said user information database and/or said item information database (*see e.g. paragraph 0052*).

Roman et al. teach a system for buying back goods, wherein: said buy-back server comprises: site management means for managing a Website that directs said users to enter as input personal data of said users together with said order numbers and accepts applications for buy-back of used items (*see e.g. paragraphs 0015-0016*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Sokei et al., in view of Schwab et al., in order to

facilitate access to the system and therefore encourage users to sell back goods in demand.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new grounds of rejection. The combination of Sokei et al., Schwab et al. and Roman et al. do anticipate Applicant's claimed limitations.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernstein (6,615,185), Drattell (US 2001/0032141 A1), Ertle (US 2004/0068442 A1), Han (US 2003/0187779 A1), Jenkins (2003/0028476).

Art Unit: 3627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Luna Champagne
Examiner
Art Unit 3627

January 15, 2008